

Notice of Allowability

Application No.

09/534,756

Examiner

Justin T. Darrow

Applicant(s)

TA ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 10/22/2004 and 11/16/2004.
2. ☒ The allowed claim(s) is/are 1-4, 6-14, 19, 20, 22-26, 30 and 31.
3. ☒ The drawings filed on 22 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 1-34 have been presented for examination. Claims 1, 11-24, and 30 have been amended in an amendment filed 10/22/2004. Claims 1-4, 6, 9, 13, and 24 have been amended and claims 5, 15-18, 21, 27-29, and 32-34 have been cancelled in an amendment filed 11/16/2004. Claims 1-4, 6-14, 19, 20, 22-26, 30, and 31 have been examined.

Priority

2. Acknowledgment is made that the instant application is a continuation-in-part of Application No. 09/178,529, filed 10/23/1998, now U.S. Patent No. 6,519,700 B1.
3. Under 35 U.S.C. 120, a claim in a U.S. application is entitled to the benefit of the filing date of an earlier filed U.S. application if the subject matter of the claim is disclosed in the manner provided by 35 U.S.C. 112, first paragraph, in the earlier filed application. See MPEP § 201.11 I. and *Tronzo v. Biomet*, 156 F.3d 1154, 47 USPQ2d 1829 (Fed. Cir. 1998).

Priority is not granted for claims 1-4, 6-14, 19, 20, 22-26, 30, and 31 with respect to Application No. 09/178,529, filed 10/23/1998, because the subject matter of the claims is not disclosed in the manner provided by 35 U.S.C. 112, first paragraph, in the earlier filed application.

As per claims 1-4 and 6-12, Application No. 09/178,529 neither describes nor enables the limitation:

polarizing the system resource in accordance with a second polarization scheme using the polarization seed (see page 10, lines 10-17; figure 4, items 410, 412, 418, and 420; the "polarization" step adapted to secure the document includes receiving a polarization key as a

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polarization seed from the user's system and transforming the document in a single polarization scheme to a version having polarized contents, comprising; see page 5, lines 1-6; a document with a set of permissions and an executable code segment that includes most of the software necessary to extract and use the encrypted document contents, as the system resource).

In Application No. 09/178,529, the polarization of the digital work and the system resource is described and enabled as facilitated in a single step in the same polarization scheme with the polarization seed.

As per claims 13, 14, 19, 20, 22, and 23, Application No. 09/178,529 neither describes nor enables the limitation:

a system resource comprising a copy of a portion of the digital work's resource information, wherein the system resource has been polarized in accordance with a second polarization scheme using the polarization seed (see page 10, lines 10-17; figure 4, items 410, 412, 418, and 420; the "polarization" step adapted to secure the document includes receiving a polarization key as a polarization seed from the user's system and transforming the document in a single polarization scheme to a version having polarized contents, comprising; see page 5, lines 1-6; a document with a set of permissions and an executable code segment, as the digital work's resource information, that includes most of the software necessary to extract and use the encrypted document contents, as the system resource).

In Application No. 09/178,529, the polarization of the digital work and the system resource is described and enabled as facilitated in a single step in the same polarization scheme with the polarization seed.

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As per claims 24-26, 30, and 31, Application No. 09/178,529 neither describes nor enables the limitation:

providing a polarized system resource, wherein the system resource has been polarized in accordance with a second polarization scheme using the polarization seed (see page 10, lines 10-17; figure 4, items 410, 412, 418, and 420; the “polarization” step adapted to secure the document includes receiving a polarization key as a polarization seed from the user’s system and transforming the document in a single polarization scheme to a version having polarized contents, comprising; see page 5, lines 1-6; a document with a set of permissions and an executable code segment that includes most of the software necessary to extract and use the encrypted document contents, as the system resource).

In Application No. 09/178,529, the polarization of the digital work and the system resource is described and enabled as facilitated in a single step in the same polarization scheme with the polarization seed.

Drawings

4. The drawings were received on 10/22/2004. These drawings are approved by the examiner.

Allowable Subject Matter

5. Claims 1-4, 6-14, 19, 20, 22-26, 30, and 31 are allowed.
6. The following is an examiner’s statement of reasons for allowance:

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Claims 1, 7, 8, and 10; 13, 14, 19, 20, 22, and 23; 24-26; and 30 and 31 are drawn to a method of creating a polarized digital work, a computer readable medium for storing a protected digital work, and two methods of protecting a digital work during replay, respectively. The closest prior art, Moskowitz, U.S. Patent No. 6,598,162 B1 in view of Abraham et al., U.S. Patent No. 5,148,481 A, discloses a similar methods and a similar medium. Although Abraham et al. describes encrypting data keys with a host master key entered by the security administrator on behalf of the user (see column 13, lines 31-39; a security administrator entering a host master key into the network security processor for a user, with node master keys encrypted by the host master key), neither Moskowitz nor Abraham et al. teach or suggest a polarization seed comprising an authorization code for a user received from a trusted source. This particular feature explicitly recited in independent claims 1, 13, 24, and 30 renders claims 1, 7, 8, and 10; 13, 14, 19, 20, 22, and 23; 24-26; and 30 and 31, respectively, allowable.

Claims 2-4, 6, 9, and 11 are drawn to a method of creating a polarized digital work. The closest prior art, Moskowitz, U.S. Patent No. 6,598,162 B1, discloses a similar method. Although Moskowitz discusses audio content and resource information (see column 8, lines 3-8; in AIFF and WAV formats) and image media (see column 8, lines 3-8; in TIFF, PICT, JPEG, and GIF formats), he neither shows nor implies a video stream and resource information comprising sample rate, sample type, and sample form. This distinct feature explicitly recited in independent claim 11 renders claims 2-4, 6, 9, and 11 allowable.

Claim 12 is drawn to a method of creating a polarized digital work. The closest prior art, Moskowitz, U.S. Patent No. 6,598,162 B1, discloses a similar method. Although Moskowitz discusses audio content and resource information (see column 8, lines 3-8; in AIFF and WAV

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formats) and image media (see column 8, lines 3-8; in TIFF, PICT, JPEG, and GIF formats), he neither describes nor motivates a first audio/video stream and a second audio/video stream and where the first audio/video stream is polarized and further comprising mixing the polarized first audio/video stream with the second audio/video stream. This particular limitation incorporated in independent claim 12 renders it allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Canal+ Societe Anonyme (Maillard et al.), International Application Publication No. WO 99/18729 A1 discloses audiovisual data scrambled received by a smart card, descrambled, encrypted, and forwarded to a receiver for rendering in clear form
- Maillard et al., U.S. Patent No. 6,286,103 B1 is a counterpart United States patent to Canal+ Societe Anonyme (Maillard et al.), International Application Publication No. WO 99/18729 A1

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed **"OFFICIAL FAX"**. Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only **"OFFICIAL FAX"** but also **"AMENDMENT AFTER FINAL"**.

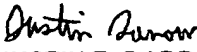
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

March 9, 2005


JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100